82-513

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NO. _____

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM 1982

MINTA H. REICHEL, AS A CALIFORNIA SHASTA COUNTY OWNER RESIDENT AND AS A NON-LAWYER LITIGANT APPEARING IN CALIFORNIA SHASTA COUNTY SUPERIOR COURT IN PROPRIA PERSONNA

PETITIONER

VS

CALIFORNIA SHASTA COUNTY SUPERIOR COUKT JUDGES, ET AL

RESPONDENTS

ON WRIT OF CERTIORARI TO THE UNITED STATES

COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR PETITIONER

MINTA H. REICHEL
P.O. BOX 2304
REDDING, CALIFORNIA 96099
PETITIONER APPEARING
IN PROPRIA PERSONNA

QUESTIONS PRESENTED

I.

DID THE RULE AS INITIATED AND ENFORCED:

"LAW LIBRARY OPEN TO THE PUBLIC 3PM TO 5PM

1. ONLY LAWYERS MAY CHECK OUT BOOKS.
2. CHECK OUT PERIOD IS ONE WEEK.
3. WHEN LIBRARY IS CLOSED, LAWYERS MAY OBTAIN KEY FROM JUDGES' SECRETARY'S OFFICE, RELOCK DOOR WHEN LEAVING, RETURN KEY TO SECRETARY WHO WILL THEN CHECK OUT BOOKS WITHDRAWN BY LAWYERS."

BY CALIFORNIA SHASTA COUNTY SUPERIOR COURT JUDGES WITH OTHER TRUSTEES IN A MEETING OUTSIDE THEIR COURTROOMS, ABRIDGE MY LIBERTIES, FREEDOMS, AND RIGHTS UNDER THE UNITED STATES CONSTITUTION, BUT MY ACTION WAS DISMISSED BY THE UNITED STATES COURT OF APPEALS AS NOT STATING A CAUSE OF ACTION UNDER TITLE 42 U.S.C. §1983?

II.

DO CALIFORNIA SHASTA COUNTY SUPERIOR COURT JUDGES HAVE JUDICIAL IMMUNITY OUTSIDE THEIR COURTROOMS, WHO, WITH OTHER TRUSTEES ENACT A RULE, THEN ENFORCE AND

INSTRUCT PERSONNEL TO ENFORCE THE RULE, ALLOW ME ONLY 2 HOURS PER DAY AS A NON-LAWYER LITIGANT IN COURT IN PROPRIA PERSONNA, DENY ME ACCESS DURING REGULAR COURTHOUSE BUSINESS HOURS, BEFORE, DURING AND AFTER COURT UNTIL 3PM TO 5PM; THEN, RE-ENTER THEIR COURTROOMS AND DETERMINE THE LAW IN MY ACTIONS, KNOWING IN ADVANCE PRIOR RESTRAINTS HAD BEEN PLACED ON MY LIBERTIES AND FREEDOMS OF THE UNITED STATES CONSTITUTION?

III.

IS MY COMPLAINT AND CLAIM FOR DAMAGES "---IN THE AMOUNTS AS STATED IN THE AFORE--SAID ACTIONS----" ETC., VALID FOR EXEMPLARY AND PUNITIVE DAMAGES IN MY CIVIL RIGHTS ACTION AND IF NOT, MAY IT BE AMENDED AND SUPPLEMENTED UNDER FEDERAL RULES OF CIVIL PROCEDURE 15?

IV.

IF THIS COURT DETERMINES THAT PETITIONER WAS DENIED EQUAL PROTECTION AND OPPORTUNITY OF THE LAW, ARE CALIFORNIA JUDGMENTS VALID?

V.

IS TITLE 42 U.S.C.§1988 DISCRIMINATORY IN MAKING NO PROVISION FOR PRO SE NON-LAWYER LITIGANTS AS PREVAILING PARTY IN CIVIL RIGHTS ACTIONS FOR A SUM EQUAL TO AN ATTORNEY'S FEE GIVEN TO PREVAILING PARTIES REPRESENTED BY LAWYERS?

VI.

IS CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTIONS 6301, 6343, 6360 OVERBROAD AND WITHOUT PROTECTIVE RESTRICTIONS TO ELIMINATE RULES REPUGNANT TO THE UNITED STATES CONSTITUTION?

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1982

NO._____

MINTA H. REICHEL, AS A CALIFORNIA SHASTA COUNTY OWNER RESIDENT AND AS A NON-LAWYER LITIGANT APPEARING IN CALIFORNIA SHASTA COUNTY SUPERIOR COURT IN PROPRIA PERSONNA

PETITIONER

VS

CALIFORNIA SHASTA COUNTY SUPERIOR COURT JUDGES AS FOLLOWS: HONORABLE JUDGE CLYDE SMALL, HORABLE JUDGE RICHARD W. ABBE, HONORABLE JUDGE RICHARD B. EATON (RETIRED), HONORABLE JUDGE WILLIAM H. PHELPS; CALIF-IFORNIA SHASTA COUNTY BOARD OF SUPERVISORS, HENRY KEEFER (RETIRED), BESSIE L. SANDERS, PATRICK LA POINTE (RETIRED), JOHN R. CATON, R.D. "DAN" GOVER, SUSAN L. EVANS, STEPHEN C. SWENDIMAN, OFFICIALLY ELECTED/APPOINTED DULY EMPLOYED COUNTY EMPLOYEES AND EX OFFI-CIO MEMBERS OF THE SHASTA COUNTY BOARD OF

DIRECTORS OF THE SHASTA COUNTY LAW LIBRARY, ROBERT A. REHBERG, SHASTA COUNTY COUNSEL (RETIRED), DULY APPOINTED, EMPLOYED SHASTA COUNTY COUNSEL;LAWRENCE W. CARR, ALBERT F. CUNNINGHAM, TODD C. FINEBERG, ATTORNEYS AT LAW, INDIVIDUALLY AND OFFICIALLY APPOINTED MEMBERS OF THE CALIFORNIA SHASTA COUNTY LAW LIBRARY BOARD OF DIRECTORS; DOES ONE THROUGH SIX NAMED AS FOLLOWS:
CIBULA, RANDALL J. PRESLEIGH, CITY OF REDDING ATTORNEY EARL D. MURPHY , CITY OF REDDING COUNCILMAN ARCHER PUGH, NELS CHRISTENSEN, ROLAND IVERSON, ATTORNEYS AT LAW, DOES SEVEN THROUGH DOES ONE HUNDRED, INCLUSIVE,

RESPONDENTS.

TO MY KNOWLEDGE NO OTHER CASES ARE CONCERNED WITH THIS CASE EXCEPT DEFENDANTS OF CALIFORNIA SHASTA COUNTY ACTIONS, CITY OF REDDING, EMPLOYEES AS DEFENDDANTS

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OPINIONS BELOW

ON MAY 27, 1982, BY ORDER, UNITED STATES COURT OF APPEALS OF THE NINTH CIRCUIT DENIED MY PETITION FOR REHEARING WITH SUGGESTION OF REHEARING EN BANC; AFFIRMED THEIR MEMORANDUM OF DISMISSAL FILED MARCH 31, 1982, WITH JUDGE BOOCHEVER DISSENTING. PREVIOUSLY ON 19 FEBRUARY 1981, CIRCUIT JUDGES TANG AND SKOPIL HAD DENIED DEFENDANT APPELLEES MOTION TO DISMISS MY APPEAL OF MEMORANDUM AND ORDER WITH PREJUDICE FILED ON MARCH 18, 1980 BY UNITED STATES DISTRICT COURT OF THE EASTERN DISTRICT OF CALIFORNIA[1].

ON AUGUST 23, 1982 MISTER JUSTICE WILLIAM H. REHNQUIST GRANTED MY PETITION FOR EXTENSION OF TIME TO FILE MY PETITION FOR WRIT OF CERTIORARI TO, AND INCLUDING, SEPTEMBER 24, 1982, NO. A117.

1. APP-A,B,C,D, INFRA, 1a-21a

JURISDICTION

MY PETITION FOR WRIT OF CERTIORARI WAS FILED JULY 22, 1982, CORRECTING MY NOTICE OF APPEAL FILED JUNE 10, 1982[2].

JURISDICTION OF THIS UNITED STATES SUPREME COURT IS INVOKED UNDER 28 U.S.C. 1254(1) SUPREME COURT RULE 17.1(a)(c)[3], ARTICLE III SECTION 2(1) AND ARTICLE IV SECTION 2, THROUGH THE FOURTEENTH AMENDMENT, THE FIRST, FIFTH, THIRTEENTH AMENDMENTS OF THE FEDERAL CONSTITUTION, AS WELL AS THE CIVIL RIGHTS ACT OF 1871, EQUAL RIGHTS AMENDMENT 1964, 42 U.S.C. §§1983, 1985(2)(3), 1986, 1988, 2000a-1[4].

I HAVE EXHAUSTED ALL OF MY CALIFORNIA COURT REMEDIES FOR A DETERMINATION OF MY

2. APP-E, INFRA, PP 22a
3. "-(a)WHEN A FEDERAL COURT OF APPEALS HAS RENDERED A DECISION IN CONFLICT WITH THE DECISION OF ANOTHER FEDERAL COURT OF APPEALS ON THE SAME MATTER; ---(c) WHEN A FEDERAL COURT OF APPEALS HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW WHICH HAS NOT BEEN, BUT SHOULD BE SETTLED BY THIS COURT, OR HAS DECIDED A FEDERAL QUESTION IN A WAY IN CONFLICT WITH APPLICABLE DECISIONS OF THIS COURT."
4. APP-Z, INFRA, pp 77a

UNITED STATES CONSTITUTIONAL LIBERTIES AND FREEDOMS AND RIGHTS OF ACCESS TO OUR LAWS, CODES, STATUTES AND CASE LAW WITHIN THE CALIFORNIA SHASTA COUNTY LAW LIBRARY, HEREINAFTER REFERRED TO AS LIBRARY, BEFORE DURING AND AFTER COURT UNTIL 3 PM TO 5 PM. ACCORDING TO THE RULE, SUPRA[5]. MY EFFORTS TO OBTAIN A DETERMINATION OF CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTIONS 6301, 6321, 6322, AND 6360[6] WERE DISMISSED

5. 1)LTR. TO SHASTA COUNTY SUPERIOR COURT JUDGES; 2)SUBMITTED TO CAL.SHASTA CO.TRUSTEES WHO VOTED DOWN MY REQUEST 3 TO 1; 3) LTR. TO JUDGE RICHARD W. ABBE; 4) LTR. REQ. EX. TIME FOR HEARING CAL. SUPREME CT. AS I WAS TOO ILL TO TRAVEL 160 MILES AND REMAIN TO RESEARCH LAW, 5) CAL.CT.APPEALS THIRD DIST. IN 3 CIVIL 17535, 3 CIV 16263.

6. IN 16263: "---PLAINTIFF'S CONTENTION REGARDING HER LIMITED USE OF THE LAW LIBRARY IS NOT SUPPORTED BY CASE AUTHORITY; THEREFORE IT MAY BE DEEMED TO BE WITHOUT FOUNDATION AND REQUIRES NO DISCUSSION.(SOLOMONT V POLK DEVELOPMENT CO. (1966) 245 CAL.APP 2d, 488, 496. THE JUDGMENT IS AFFIRMED." IN 17535:"---(FN) PLAINTIFF'S CONTENTION THAT RESTRICTED USE OF THE LAW LIBRARY CONSTITUTES A DENIAL OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW IS NOT PROPERLY BEFORE US (CODE CIV. PRO. SEC. 904.1)" --- APP-G;PI, INFRA, PP-27a, 33a

AS I HAD FILED "NOTICE OF APPEAL BY PETITION OF WRIT OF MANDAMUS"[8].

A REVIEW OF THIS COURT IS TIMELY AS OTHER CALIFORNIA SHASTA COUNTY NON-LAWYER LITIGANTS IN PRO SE HAVE BEEN 'LOCKED-OUT' OF THE LAW LIBRARY WHILE BEFORE THE FEDERAL DISTRICT COURT IN SACRAMENTO SUING THE CALIFORNIA SHASTA COUNTY[9], AND OTHER COUNTY RESIDENTS HAVE OBJECTED TO THE CLOSURE[10], AND UNDER CALIFORNIA LAW, MAY BE REPEATED.

THE NINTH CIRCUIT FEDERAL COURTS ALSO DIFFER IN OPINION: OREGON DETERMINED LAWYERS IN PRO SE COULD USE THE LAW LIBRARY DURING BUSINESS HOURS 8 AM TO 5 PM BUT NOT AFTER 5PM AS GIVEN LAWYERS: IN THE INTEREST OF SECURITY AND ALSO, AS A UNIVERSITY LAW LIBRARY WAS CLOSE BY[11]. THE NEVADA DISTRICT COURT (1980) SAID NON-LAWYERS IN PRO SE COULD USE THE NEVADA

8. APP-T, U,V,W, INFRA, PP 68a-72a
9. APP-D1, INFRA, 99a-106a
10. APP-F1, -H1, INFRA, PP 109a-114a

SUPREME COURT LIBRARY AS DID LAWYERS FOR THERE WAS NO PLACE ELSE TO GO, AND THE PRO SE LITIGANTS HAD TO WORK AND TRAVEL SOME 20 MILES AND MORE TO THE LIBRARY[12], CITED BY JUDGE BOOCHEVER IN HIS DISSENTING OPINION, SUPRA.

A DETERMINATION OF THIS COURT IS NEEDED AS CALIFORNIA BUS. AND PRO. CODE IS SO LOOSELY WRITTEN THE RULE MAY BE REPEATED[13].

THIS COURT HAS JURISDICTION UNDER ARTCLE III SECTION 2(1) TO RULE UPON CONSTITUTIONALITY OF STATE STATUTES[14], TO REVIEW STATE COURT JUDGMENTS[15], UNDER SUPREMACY CLAUSE ARTICLE VI, SECTION OF THE UNITED STATES CONSTITUTION.

IN ACCORDANCE WITH SUPREME COURT RULE 28(b) I NOTIFY THIS COURT THAT 28 U.S.C. §2403(a)(b) MAY BE APPLICABLE AS I HAVE

11. WRIGHT V LANE COMMISSIONERS, 459 F2d 1021 (1972)
12. O'CONNOR V MOWBRAY 504 F.SUPP 139(1980)
13. CAL. BUS.& PRO.CODE §§6301,6343,6360 INFRA,
14. FLETCHER V PECK 10 U.S. (6 CRANCH)87, 4 L.ED. 97 (1816)
15. US CONST.AMEND.14-APP-F, INFRA-pp26a

CHALLENGED 42 U.S.C. §1988 AS BEING DISCRIMINATORY BETWEEN PREVAILING PARTIES AND CALIFORNIA BUSINESS AND PROFESSIONS CODE §§6301, 6343, 6360 AS BEING OVERBROAD IN ALLOWING A GROUP OF LAWYERS AND OTHERS TO CONTROL ACCESS TO THE COURTS BY CONTROLLING ACCESS TO THE LAW LIBRARIES BEFORE, DURING, AND AFTER COURT AND THEREFORE BEING REPUGNANT TO THE UNITED STATES CONSTITUTION.

I PRAY THIS COURT WILL ACCEPT JURISDICTION.

U.S. CONSTITUTION AMENDMENTS AND STATUTES INVOLVED HEREIN

UNITED STATES CONSTITUTION AMENDMENTS FIRST, FIFTH, THIRTEENTH, FOURTEENTH, APP-F, INFRA, PP 25a

42 U.S.C. §§1983, 1985(2)(3), 1986, 1988, APP-Z, INFRA, 77a-

CALIFORNIA BUSINESS AND PROFESSIONS CODE §§6301, 6304, 6320, 6321, 6322, 6322.1, 6343, 6360, 6361, APP-A1, INFRA, PP 85a

CALIFORNIA CIVIL CODE §832

APP-B1, INFRA, 95a

CALIFORNIA CODE OF CIV PROCEDURE §583

APP-C1, INFRA, PP 98a

CITY OF REDDING ORDINANCE #944

APP-I1, INFRA, PP 116a

STATEMENT OF THE CASE.

THIS IS A SUIT SEEKING DAMAGES OF ABOUT $2 MILLION FROM THE CALIFORNIA SHASTA COUNTY SUPERIOR COURT JUDGES, WHO OUTSIDE THEIR JUDICIAL IMMUNITIES, WITH OTHER TRUSTEES AND OTHERS, DETERMINED IN THEIR OCTOBER 1974 MEETING TO CLOSE THE LAW LIBRARY TO THE PUBLIC GIVING KEYS TO THE LAWYERS[18], AND EARLY IN 1975 POSTED THE SIGN ON THE LAW LIBRARY DOOR LOCATED ON THE THIRD FLOOR OF THE COURTHOUSE:

"LAW LIBRARY OPEN TO THE PUBLIC 3PM TO 5PM

1. ONLY LAWYERS MAY CHECK OUT BOOKS.
2. CHECK OUT PERIOD IS ONE WEEK.
3. WHEN LIBRARY IS CLOSED, LAWYERS MAY OBTAIN KEY FROM JUDGES' SECRETARY'S OFFICE, RELOCK DOOR WHEN LEAVING, RETURN KEY TO SECRETARY WHO WILL THEN CHECK OUT BOOKS WITHDRAWN BY LAWYERS."

NON-LAWYER LITIGANTS IN COURT IN PRO-PRIA PERSONNA WERE CONSIDERED OF THE 'NON-LAWYER PUBLIC' AND I WAS RE-USED ACCESS TO THE CODES, PROCEDURES, STATUTES BEFORE, DURING, AND AFTER COURT UN-

18. APP-JL, INFRA, 120a

TIL 3PM TO 5 PM WHICH CONTINUED UNTIL LATE JANUARY 1978, AFTER I REQUESTED CALIFORNIA SUPREME COURT FOR TIME EXTENSION FOR PETITIONING FOR HEARING AS I WAS TOO ILL TO TRAVEL 160 MILES TO UNIVERSITY OF CALIFORNIA AT DAVIS AND REMAIN TO RESEARCH LAW FOR MY PETITION[19].

THEN THE LIBRARY OPENED: 1 PM TO 5 PM. BUT I CONTINUED TO BE DENIED ACCESS IN THE MORNING UNTIL FEBRUARY 14, 1980 WHEN IT WAS OPENED FROM 8 AM TO 5 PM. I WAS NOT ALLOWED TO CHECK OUT BOOKS UNTIL SEPTEMBER 1980 WHEN I RECEIVED A PHONE CALL FROM TODD FINEBERG ADVISING ME OF THE CHANGE.

WHILE I TRIED TO PROTECT MY PROPERTY IN COURT, INFRA, I REPEATEDLY REQUESTED USE OF THE LAW LIBRARY FROM SUPERIOR COURT JUDGES, ORALLY IN COURT, AND BY LETTER[20].

19. APP-K1, INFRA, 122a

20. APP-L1,M1, INFRA, 125a-129a

20. #80-4328, DC S79-73MLS, INC. ATTACH OF: LTR. COMP. & CLAIM TO SHASTA CO. SUPER. LTRS. TO JUDGES, RPTR.TR. 7/6/76, LTR.GR. JURY C/O SMALL, LOC. NEW. AD, REJECT. BY CO. 8/1/78, CIT. CAL. GOV. CODE §945.6,

THE TITLE OF THIS CASE MAY BE A PROBLEM TO THIS COURT. I AM SORRY. THIS COURT MAY SEE THAT MY CASE STATES ALLEGATIONS AGAINST CALIFORNIA SHASTA COUNTY SUPERIOR COURT JUDGES OUTSIDE THEIR JUDICIAL COURTROOM IMMUNITIES, WITH OTHER TRUSTEES, INITIATED A RULE, ENFORCED AND INSTRUCTED PERSONNEL TO ENFORCE THE RULE, THEN TWO JUDGES RE-ENTERED THEIR COURTROOMS AND DETERMINED THE ISSUES OF MY ACTIONS. THEREFORE, I TITLED THIS CASE ACCORDINGLY.

MY ACTION $54512 STATES ALLEGATIONS FOR LEGAL MAL-PRACTICE, STILL PENDING ALTHOUGH CALIFORNIA STATUTE HAS EXPIRED, INF.

ACTION #54513 AND #58028 WERE FILED TO PROTECT MY PROPERTY AND PROPERTY RIGHTS. CALIFORNIA GOVERNMENT CODE REQUIRES THAT WITHIN 100 DAYS OF INJURY CLAIM BE FILED THEN 45 DAYS FOR GOV'T AGENCY TO REJECT THE CLAIM, AND 6 MONTHS FROM THAT DATE TO FILE A COMPLAINT AND CLAIM.

SIX MONTHS AFTER COUNTY REJECTION OF MY CLAIM, ON JANUARY 29, 1979 I FILED MY MOTION FOR PERMISSION TO FILE MY COMPLAINT ACCORDING TO U.S. SUPREME COURT RULES AS DISTRICT COURT RULES WERE UNAVAILABLE. LATER, MY FIRST AMENDED COMPLAINT NAMING 'DOE' DEFENDANTS, AND MY SECOND AMENDED COMPLAINT IN #80-4328, D.C. S79-73MLS.

THIS CASE BEGINS LATE IN 1969 WHEN I RETURNED TO REDDING, SHASTA COUNTY, CALIF. MY NEIGHBOR TOLD ME OF WEEDS IN THE DRAINAGE CREEK TRAVERSING THE NORTH SIDE OF MY RENTAL PROPERTY FROM WEST TO EAST; CHANGING THE WATER FLOW SOUTHERLY TOWARDS THE RETAINING WALL. I PHONED THE CITY TO CLEAN OUT THE WEEDS; BUT THEY ALSO DUG FROM THE CREEK CENTER AT THE NORTHEAST CORNER, APPARENTLY ON THE ADJOINING PROPERTY. LATER '76 SURVEY OF MY PROPERTY SHOWED MY EASTERLY FENCE APPROXIMATELY 2 1/2 FEET INSIDE THE PROPERTY LINE.(#58025 ATTACHMENTS).

DURING THIS TIME THE CITY PLANNING COMMISSION NOTIFIED ME OF CONSTRUCTION OF AN OFFICE BUILDING TO BE BUILT BY MY EASTERN ADJOINING PROPERTY OWNERS, TWO OF WHOM WERE CITY AND COUNTY PLANNING COMMISSIONERS[21]. SUCH CONSTRUCTION WOULD NECESSITATE INSTALLATION OF A CULVERT[22], WHICH MAY INTERFERE WITH A SEWAGE PIPE. THE BUILDING PERMIT WAS GRANTED ON JANUARY 13, 1970.

DRAINAGE WATERS FLOWED EAST ON THE NORTH SIDE OF MY PROPERTY BETWEEN RETAINING WALLS: THE NORTHERN OWNERS' WALL BEING STRAIGHT EAST THEN QUICKLY CURVED TO THE WEST STREET CULVERT MOUTH APPROXIMATLY 210 FEET; MY SOUTH RETAINING WALL EXTENDED TO MY ASSUMED EASTERN PROPERTY LINE THEN SOUTH ABOUT 5 FEET, MY FENCE CONTINUING SOUTH TO JOIN MY SOUTH NEIGHBOR'S FENCE. ON THE EAST THE WATERS WIDENED TO A BOGGY SWALE, WHICH FILLED SOMETIMES OVERFLOWING

21. DEFEND. WOODWARD AND OCHINERO
22. APP-N1, INFRA, PP130a

THE NORTH WALL FLOODING THE ENTIRE AREA. AT ONE TIME, MY HUSBAND AND I OWNED THE ADJOINING PROPERTY BUT WENT OUT OF TITLE, KEEPING THE CHESTNUT PROPERTY.

I FILED THE LETTER OF COMPLAINT AND CLAIM. ALVIN M. CIBULA, SENIOR MEMBER OF CIBULA AND CIBULA AND FORMER CITY ATTORNEY, FILED CALIFORNIA SHASTA ACTION #42361, FOR NEGLIGENCE IN CLEAN-OUT AND MAINTENANCE AGAINST CITY OF REDDING AND NEGLIGENCE IN CONSTRUCTION UNDER CALIFORNIA CIVIL CODE §832[23].

ON APRIL 17, 1973, THREE YEARS LATER, THE CASE WENT TO TRIAL COURT WITH JUDGE RICHARD W. ABBE PRESIDING. AFTER THE CASE WAS SUBMITTED ON APRIL 19, 1973, ALVIN M. CIBULA AND FRANKLIN S. CIBULA AND I HAD A DISCUSSION: CIBULAS DEMANDED DISCHARGE; I REFUSED AS I ASSUMED THERE WAS MUCH REMAINING TO DO. THEY MOTIONED THE COURT FOR DISCHARGE: TRIAL COURT JUDGE

23. APP-B1, INFRA, 95a

GRANTED DISCHARGE MAY 1, 1973.

I WAS WITHOUT REPRESENTATION IN COURT TO FINISH THE TRIAL.

NO LOCAL NOR OUT OF TOWN LAWYER WOULD TAKE THE CASE ON CONTINGENCY AND I DIDN'T HAVE CASH TO PAY. RATHER THAN LOSE BY DEFAULT, I STOOD IN COURT IN PRO PER.

ON MAY 22, 1973 FRANKLIN S. CIBULA WROTE ME OFFERING TO ASSIST ME AND "DO ALL FINAL DOCUMENTS" AS I OWED THEM MONEY. DESPERATE, I ACCEPTED[24].

THE COURT FOUND FOR ME BY MEMORANDUM OF DECISION WITH $985.00 PLUS COSTS[25].

FRANKLIN S. CIBULA WROTE TWO DOCUMENTS FOR ME AS ALLEGED IN #54512: OBJECTION TO AMOUNT IN MEMORANDUM AND MOTION FOR TAX COSTS, WITH MY NAME IN PROPRIA PERSONNA, CUT HIS CO-PARTNERSHIP LETTER HEAD FROM THE LOWER LEFT HAND CORNER, INSTRUCTED ME HOW TO FILE IT, WHICH I DID[26].

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26. APP-K, INFRA, 43a
25. APP-L, INFRA, 45a
26. CERT.COPY #42361, 3 CIV 14495 AT C/A

CLYDE SMALL, CITY OF REDDING DEFENSE COUNSEL AND THEREAFTER APPOINTED SUPERIOR COURT JUDGE, REQUESTED FINDINGS OF FACTS AND CONCLUSIONS OF LAW[27]. DEFENDANTS FILED OBJECTIONS WITH POINTS AND AUTHORITIES. NO DOCUMENTS WERE FILED FOR ME. THE TRIAL COURT REVERSED AND FOUND FOR DEFENDANTS[28].

JUDGMENT WAS ORDERED. LATER I REQUESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW, BUT WAS REFUSED[29].

I DIDN'T KNOW ANYTHING ABOUT LAW, EXCEPT WHERE I SAT AS A WITNESS. BUT I APPEALED THE JUDGMENT[30].

DURING THIS TIME, WILLARD WOODWARD AND ED OCHINERO DEFENDANTS, RESIGNED AS CITY AND COUNTY PLANNING COMMISSIONERS. ARCHER PUGH, ON MY INFORMATION AND BELIEF, WOODWARD'S LEGAL COUNSEL, IN 1973 BECAME CITY COUNCILMAN; CLYDE SMALL WAS APPOINTED JUDGE.

27. APP-M, N, INFRA, 49a, 53a
28. APP-P, INFRA, 57a
29. APP-O, INFRA, 56a
30. 3 CIVIL 14495.

JUDGE CLYDE SMALL WITH OTHER SHASTA COUNTY BOARD OF TRUSTTEE MEMBERS FOR THE SHASTA COUNTY LAW LIBRARY, HEREAFTER REFERRED TO AS TRUSTEES, ON OCTOBER 31, 1974 AT THEIR MEETING:

"---TO CIRCULARIZE THE BAR AND TO DEPLORE THE LACK OF FORMALITY PRESENTLY EXISTING WITH RESPECT TO THE REMOVAL AND RETURN OF THE BOOKS---"

AND DECIDED TO CLOSE THE LAW LIBRARY EXCEPT WHEN A LIBRARIAN WAS PRESENT[31]. EARLY IN 1975 THE SIGN, SUPRA, WAS POSTED ON THE LAW LIBRARY DOOR LOCATED ON THE THIRD FLOOR OF THE COURTHOUSE.

AS A NON-LAWYER LITIGANT IN PRO PER IN 3 CIVIL 14495, THE LAW LIBRARY WAS CLOSED TO ME WHILE PREPARING FOR ORAL HEARING ON MAY 22, 1975. SO I BEGAN TO DRIVE 165 MILES DISTANCE TO SACRAMENTO AND UNIVVERSITY OF CALIFORNIA AT DAVIS, TO RESEARCH LAW. I PARKED MY OLD VW CAMPER VAN ON A DIFFERENT STREET EACH NIGHT SO NO ONE

31. APP-J1, INFRA, 120a

WOULD KNOW A WOMAN ALONE WAS SLEEPING IN IT. IT WAS SCARY. AROUND DAWN I WOULD LEAVE, USE FACILITIES AT AN ALL-NIGHT RESTAURANT, AND WARM UP WITH HOT COFFEE. IN SUMMER I DIDN'T DARE TO OPEN A WINDOW.

ON MAY 22, 1975 AT ORAL ARGUMENT I MADE MY PRESENTATION. COUNSEL FOR DEFENANTS APPELLEES STATED:
"I REPRESENT---WE HAVE NOTHING TO SAY".
THE COURT ACTED QUICKLY: THE NEXT DAY, MAY 23, THE COURT OF APPEALS OF THE THIRD APPELLATE DISTRICT FILED CONFIRMATION OF LOWER COURT DECISION[32]:

AGAIN I BEGAN TO TRAVEL TO SACRAMENTO AND DAVIS, TO DETERMINE IF I HAD BASIS FOR LEGAL MAL-PRACTICE, AGAINST MY FORMER LAWYERS' REPRESENTATION IN #42361.

ON MAY 7, 1976, I FILED SHASTA ACTION #54512, STATING ALLEGATIONS OF LEGAL MALPRACTICE, FRAUD, WARRANTY, AND BREACH OF CONTRACT, AND #54513 FOR INVERSE COND. ETC

32. APP-P, INFRA, 57a

BUT I HAD MADE ERRORS IN THE COMPLAINTS AND SERVICE ON THE DEFENDANTS:

1. IN #54512 I MAILED THE COMPLAINT TO CIBULA, AND DIDN'T PROPERLY SERVE THE PROBATE #12612 FOR ALVIN M. CIBULA HAD DIED. AND I ATTEMPTED TO ATTACH THE PROBATE PROPERTIES BY WRIT OF ATTACHMENT RATHER THAN FILE A CREDIT CLAIM. I RECEIVED NO REPLY.

2. ACTION #54513 I DELIVERED THE COMPLAINT TO THE REPLACEMENT COUNSEL FOR CITY OF REDDING, WHO SAID HE WOULD DELIVER IT TO CITY ATTORNEY EARL MURPHY. THE CITY DID NOT REPLY. DEFENSE COUNSEL FOR WOODWARD AND NICHOLS ET AL AND OCHINERO CONSTRUCTION ET, REPLIED WITH DEMURRERS STATING RES JUDICATA AND COLLATERAL ESTOPPEL.

THE DEFENDANTS WERE SPLIT.

THESE PROBLEMS PROMPTED ME TO WRITE THE CALIFORNIA SHASTA COUNTY SUPERIOR COURT JUDGES, JUDGE RICHARD B. EATON, JUDGE RICHARD W. ABBE,& JUDGE CLYDE SMALL[33]

33. APP-L1, INFRA, 125a

REQUESTING ADDITIONAL ACCESS TO THE LAW LIBRARY. JUDGE ABBE SUBMITTED IT TO THE TRUATEES MEETING, WHO, APPARENTLY DISCUSSED MY REQUEST, BUT VOTED IT DOWN 3 TO 1[34].

IN #54512 IN COURT I TRIED TO STATE MY NEED FOR USE OF THE LAW BOOKS; STOOD AND TOOK JUDGE CLYDE SMALL'S VERBAL ABUSE[35]. WHO,WITHOUT JURISDICTION AS BEING A LAWYEI IN THE FORMER #42361 UPON WHICH THE LEGAL MALPRACTICE ACTION WAS BASED, ORDERED THE MOTION TO QUASH BE DROPPED AS THE MATTER WAS NOT MOOT, AS SERVICE HAD BEEN PROPERLY MADE AS STATED BY THE DEFENDANTS[36].

AS THE JUDGES CONTINUED TO INSTRUCT PERSONNEL TO REFUSE ME ACCESS TO THE LAW LIBRARY[37], IT SEEMED TO ME THEY WOULD BE PREJUDICE ON ALL MATTERS I PRESENTED. THEREFORE I ATTEMPTED A CHANGE OF VENUE AGAIN IT WAS CALENDARED BEFORE

34. APP-M1, INFRA, 127a
35. APP-01, INFRA, 136a
36. APP-01, INFRA, 137a
37. 3 CIVIL 16644 CLK.TR. PP 100

JUDGE CLYDE SMALL, AGAIN REPRIMANDED FOR TRYING TO STATE NEED OF LAW LIBRARY[37], WHO DETERMINED THE MATTER BEFORE THE COURT THEN TRANSFERRED IT TO JUDGE ABBE, WHO FINALLY SIGNED THE ORDER ON 30 DECEMBER 1976 AND ORDERED DEFENDANTS TO REPLY TO MY FIRST AMENDED COMPLAINT[38]. FINALLY, THE DEFENDANTS REPLIED, AND ALSO FILED A CROSS COMPLAINT[39].

FRANKLIN S. CIBULA CONTINUED TO ACT FOR THE DEFENDANTS, EVEN THOUGH HE WAS A NAMED DEFENDANT, UNTIL JULY 7, 1977.WHEN HE STATED RANDALL J. PRESLEIGH WOULD BE REPRESENTING THE DEFENDANTS. THE RECORDS SHOW DOCUMENTS WERE SIGNED BY PRESLEIGH BUT THE REPORTERS TRANSCRIPTS OF #3 CIVIL 16644 DO NOT SHOW THAT MR. PRESLEIGH SPOKE IN COURT AS REPRESENTING THE DEFENDANTS[40].

37. APP-P1, INFRA, P 144a

38. RPTR.TRANS.OVER-LOOKED BY RPTR AND NOT INCL BUT ATT. TO MY COMP.#80-4328,DC S79-73 MLS, AND MADE A PT. THEREOF AS THOUGH FULLY SET OUT THEREIN, ALSO COPIES OF APP-LTRS. JUDGES, NEWS.AD, LTR.TO.GR.JURY C/O JUDGE SMALL, REJECT.BY CO.

39. 3 CIV16644 CLK.TR.P100;40. RPTR.TR.

IN ACTION #54513, IN THE MEANTIME, I TRIED TO OBJECT TO DEFENDANTS 'WOODWARD-NICHOLS AND OCHINERO DEMURRERS OF RES JUDICATA AND COLLATERAL ESTOPPEL BY #42361, WHICH THE COURT UPHELD AND DISMISSED.

ON AUGUST 14, 1976 HEAVY RAIN CAUSED DRAINAGE WATERS TO RUSH DOWN CALABOOSE CREEK, AND FILLED THE 10 'FOOT WIDE CHANNEL ON MY PROPERTY, UNDERMINED MY RETAINING WALL WHICH TIPPED OVER INTO THE CREEK WITH THE WORK/STORAGE BUILDING WITH TENANT FAMILY'S KEEP-SAKES, SHRUBERY, ALL FOLLOWING INTO THE WATERS, THE WATER OVERFLOWING INTO THE POOL AND THE ADJOINING PARKING LOT, NORTH INTO MY RENTAL PROPERTY NEXT DOOR DAMAGING THOSE TENANTS PROPERTY![41]

THE NEXT DAY IN AN EFFORT TO FIND FAMILY KEEPSAKES, THE TENANT'S BOYS WITH MY SON ENTERED THE WEST END OF THE CULVERT

41. CERTIFIED COPY OF #58025 AND 3 CIVIL 17535 AVAILABLE AT C/A NINTH CIRCUIT: ALSO OTHER CALIFORNIA ACTIONS #42361, #54512, #54513, AS APPEALED 3 CIV 16644, 16263, 16668, BRIEFS.

WITH FLASHLIGHTS, SOME APPROXIMATELY 150 FEET AND WERE BLOCKED BY RUBBLE STACKED HIGH. THEY RETURNED AND RE-ENTERED FROM THE EAST CULVERT OPENING GOING WEST INSIDE AND DISCOVERED THE RUBBLE HAD BEEN CAUGHT AGAINST TWO HUGE PIPES ABOUT 13", A SMALLER ONE ABOVE, ABOUT 21" ABOVE THE CULVERT FLOOR INVERT, A SHORT SPACE APART. AT ANY TIME DURING WATER DRAINAGE SMALL TRASH COULD CATCH AGAINST THE PIPES AND OBSTRUCT THE DOWN-FLOW OF WATERS AND BACK UP THE WATERS WITHIN THE CULVERT AND FILLING THE OPEN CREEK CHANNEL ON MY PROPERTY CAUSING THE CHURNING WATERS TO CONTINUOUSLY ERODE THE LATERAL AND SUB-LATERAL GROUND FROM UNDER MY RETAINING WALL.

ON AUGUST 16, 1976, BEFORE COURT I REQUESTED USE OF THE LAW LIBRARY AND WAS AGAIN REFUSED UNTIL 3PM. IN COURT I MENTIONED THE MATTER, BUT UNABLE TO RESEARCH FOR PROCEDURE FOR UNEXPECTED HAPPENINGS,

DID NOT MOTION THE COURT FOR EXTENSION OF TIME TO OBTAIN SUCH PROCEDURE. NO COURT REPORTER WAS PRESENT IN JUDGE ABBE'S COURT SO THERE WERE NO REPORTER'S TRANSCRIPTS. THE HEARING FOR CITY OF DEMURRERS AS RES JUDICATA AND COLLATERAL ESTOPPEL WERE SUBMITTED; I HAD FOUND THE PROPER PROCEDURE AND SERVED THE CITY OF REDDING ON JUNE 21.

BUT ON JUNE 24, 1976 THE COURT HAD SUSTAINED THE DEMURRERS OF DEFENDANTS' WOODWARD AND NICHOLS AND OCHINERO, JUDGMENT HAD BEEN FILED. SHORTLY AFTER THE FLOODING I APPEALED; #3 CIVIL 16263[42].

CITY OF REDDING DEMURRERS WERE ALSO SUSTAINED AS RES JUDICATA AND COLLATERALLY ESTOPPED. I TRIED TO COMBINE THEM WITH THE OTHER APPEAL BUT WAS UNABLE TO DO SO AND THIS BECAME #3 CIVIL 16668[42].

TOO LATE I FOUND THE CALIFORNIA CODE OF CIVIL PROCEDURE §473 TO VACATE THE DISMISSAL, FILED A MOTION TO ALLOW ME TO FILE

42. REFER TO CLK.TR. 3 CIV 16263 PP49-69.

THE PROPOSED FIRST AMENDED COMPLAINT INCLUDING THE FLOODING AND DISCOVERIES. THE COURT DISMISSED FOR LACK OF JURISDICTION[43].

IN #54512, IN THE MEANTIME, I HAD FILED NOTICE OF LIS PENDENS AGAINST FRANKLIN S. CIBULA'S PROPERTY AND ALVIN M. CIBULA'S PROPERTY IN ESTATE PROBATE #12612 WITH A CREDIT CLAIM UNDER CALIFORNIA PROBATE CODE §573. CIBULA MOVED TO EXPUNGE THE NOTICE BUT HE FILED UNDER AN OLD LAW: THE NEW LAW REQUIRING ADDITIONAL TIME FOR HEARING. IN COURT I WATCHED HIM OPEN THE ENVELOPE, READ THE DOCUMENT, LEAVE THE COURTROOM. LATER HE RETURNED, AND JUST BEFORE THE MATTER WENT BEFORE THE COURT, SERVED ME WITH ANOTHER OBJECTION TO NOTICE OF LIS PENDENS. CIBULA HAD ACCESS TO THE COURT LAW LIBRARY ACROSS THE HALL; WAS ABLE TO CHECK THE CODE, PHONE HIS OFFICE, HAVE THE DOCUMENTS RETYPED, SERVE ME WITH AN-

43. #3 CIV 16263 CLK.TR. PP 96-117; 3 CIV 6668 CLK.TR. PP 10-33; CA CIV.PRO.§473.

OTHER HEARING TWO WEEKS HENCE[44].

IF I HAD MADE THE ERROR I WOULD HAVE HAD TO WAIT UNTIL 3 PM FOR ACCESS TO THE LAW LIBRARY; THE ERROR WOULD HAVE STAYED THE MATTER SUBMITTED TO COURT, AND AGAIN I WOULD LOSE.

THE COURT EXPUNGED THE LIS PENDENS AND I WAS TOLD TO PAY ATTORNEY'S FEES OF $400. AS REQUESTED BY CIBULA[45].

A DETERMINATION IN MY ACCESS TO THE LAW LIBRARY WAS NEEDED. ON FEBRUARY 15, 1977 I FILED A "NOTICE OF APPEAL BY COURT ORDER BY PETITION OF WRIT OF MANDAMUS"[46], #3 CIVIL 16644. IT WAS FILED AS APPEAL.

IN #54513, THE SAME PROCEDURE WAS FOLLOWED AND AGAIN WAS FILED AS AN APPEAL. BUT THE COURT NOTICED THE TWO APPEALS FROM THE SAME CASE AND COMBINED IT WITH 3 CIV 16668. I TRIED TO FILE A PETITION WITH AN

44. 3 CIV16644, RPTR.TR. PP 140; EX.REC. P 410,411; CLK.TR. PP 129,130, 158,-182.
45. #3 CIV 16644 CLK.TR. P142-145;146-150
46. #3 CIV 16644 CLK.TR. P151-185.

APPEAL. THE CLERK REFUSED TO FILE IT. I TRIED TO CORRECT THE ERROR SO A PETITION FOR DETERMINATION OF LAW COULD BE FILED. THE COURT DISMISSED BOTH 3 CIVIL 16668 AND 16644[47].

AS STATED, I TRIED TO FILE A PROPOSED 1ST AMENDED COMPLAINT WITH A MOTION TO VACATE THE DISMISSAL OF #54513. BUT THE SUPERIOR COURT REFUSED[48].

THE COURT OF APPEALS DETERMINATION WAS FILED ON DECEMBER 12, 1977 IN 3 CIV 16263 UPHELD THE DISMISSAL OF THE LOWER COURT AND STATED:

"-----PLAINTIFF'S CONTENTION REGARDING HER LIMITED USE OF THE LAW LIBRARY IS NOT SUPPORTED BY CASE AUTHORITY; THEREFORE, IT MAY BE DEEMED TO BE WITHOUT FOUNDATION AND REQUIRES NO DISCUSSION.(SOLOMONT V. POLK DEVELOPMENT CO. 1966)245 CAL. APP.2d 488, 496.)

THE JUDGMENT OF DISMISSAL IS AFFIRMED"

I PETITIONED FOR REHEARING WHICH WAS DENIED. AND, THE CALIFORNIA SUPREME COURT DENIED MY REQUEST FOR EXTENSION TO FILE

47. APP-T,U,V,W, INFRA, 68a-72a

48. 3 CIV 16263, C.TR. PP 96-117; 3CIV 16668 C.TR. PP 10-33.

MY PETITION FOR HEARING AS I WAS TOO ILL TO TRAVEL TO UNIVERSITY OF DAVIS, CALIF. AND REMAIN TO RESEARCH LAW[49]. THEY REFUSED, BUT THE SHASTA COUNTY LAW LIBRARY WAS OPENED FROM 1 PM TO 5 PM UPON MY RETURN TO REDDING, UNTIL FEBRUARY 14, 1980.

CALIFORNIA GOVERNMENT CODES REQUIRE A CLAIM BE FILED WITHIN 100 DAYS OF INJURY, THE GOVERNMENT AGENCY HAS 45 DAYS TO REJECT CLAIM, THEN A COMPLAINT AND CLAIM MUST BE FILED BEFORE 6 MONTHS HAVE PASSED: TO PROTECT MY PROPERTY INTERESTS I HAD TO FILE MY COMPLAINT[50]. ACTION #58025 WAS FILED FOR FLOOD DAMAGE OF AUGUST 14, 1976, WITH ATTACHMENTS, SO I WOULD NOT LOSE MY RIGHT TO MY CLAIM.

AGAIN THE CITY OF REDDING AND OTHER DEFENDANTS PLEADED RES JUDICATA AND COLATERAL ESTOPPEL BY BOTH #42361 AND #54513.

49. APP-K1, INFRA, p 122a
50. CALIF. GOV. CODE §§911.2, 912.4, 945.6 (a), 3 CIVIL 17535, COMP. W/ATTACH C.TR. PP 1-36.

CITY COUNCILMAN ARCHER PUGH ATTEMPTED TO REPLACE ROLAND IVERSON FOR DEFENDANTS WOODWARD AND NICHOLS BUT I WAS ABLE TO DISQUALIFY HIM AS BEING IN CONFLICT OF INTEREST IN DEFENDING A CLIENT WHO MAY BE IN VIOLATION OF CITY ORDINANCE #944[51].

THE COURT SUSTAINED DEFENDANTS DEMURRERS AND DISMISSED #58025 AS RES JUDICATA. I APPEALED, 3 CIVIL 17535. AGAIN I STATED MY DENIAL OF FAIR ADVERSARY HEARING AND EQUAL PROTECTION OF THE LAW. BUT THE COURT STATED:

"---(FN) PLAINTIFF'S CONTENTION THAT RESTRICTED USE OF THE LAW LIBRARY CONSTITUTES A DENIAL OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW IS NOT PROPERLY BEFORE US. (CODE CIV. PRO. SEC. 904.1)----"

DETERMINED MY CASE WAS FRIVOLOUS AND FINED ME $500.00[52].I PETITIONED FOR REHEARING. DENIED. I PETITIONED CALIFORNIA SUPREME COURT FOR HEARING, DENIED.

IN #54512 TO ENTER COURT FOR TRIAL

51. 3 CIV 17535 R.T.8,9,
52. APP-I, INFRA, 33a

WITHOUT ACCESS TO THE BOOKS OF COURT PROCEDURES, PRETRIAL DEPOSITIONS, EVIDENCE, CODES, BEFORE, DURING AND AFTER COURT, WOULD HAVE BEEN A FARCE AND MISTRIAL OF JUSTICE. BUT THE RULE AS ENFORCED BARRED ME FROM THE BOOKS STATING THE LAWS.

ON JANUARY 29, 1979 IN ACCORDANCE WITH U.S. SUPREME COURT RULES I FILED MOTION FOR PERMISSION TO FILE COMPLAINT WITH ATTACHMENTS AND COMPLAINT WHICH WAS WITHIN 6 MONTH OF REJECTION OF MY CLAIM BY THE SUPERVISIORS ON AUGUST 1, 1979.

THE FIRST AMENDED COMPLAINT NAMED DOE' DEFENDANTS. ON APRIL 16, 1979 I PETITIONED THIS COURT #78-1611, BUT WAS REFUSED.

U.S. DISTRICT COURT JUDGE MILTON L. SCHWARTZ ORDERED THE FIRST AMENDED COMPLAINT FILED, WHICH I INTERPRETED TO MEAN THAT I MUST RE-WRITE MY FIRST AMENDED COMPLAINT; WHICH I DID OVER THE CHRISTMAS HOLIDAYS, WITHOUT REFERENCE BOOKS.AGAIN

WITH ATTACHMENTS MADE A PART THEREOF[53].

AT ORAL ARGUMENT ON MARCH 14, 1980 THE COURT WAS NOTIFIED THAT I WISHED TO AMEND AND SUPPLEMENT MY COMPLAINT TO CURE THE AMOUNTS OF DAMAGES ALLEGED, TO SERVE DEFENDANTS' SPOUSES,AS WE ARE A COMMUNITY PROPERTY STATE, AND CORPORATIONS[54]. THE COURT STATED[55]:

"----THE QUESTION IS WHETHER ACCESS, EQUAL ACCESS TO THE SHASTA COUNTY LAW LIBRARY, EQUAL WITH ALL LAWYERS IN SHASTA COUNTY, IS PART AND PARCEL OF YOUR ACCESS TO THE COURTS.--------IF ON THE OTHER HAND IT IS SIMPLY A DIFFERENT TEST FOR YOU TO GET TO THE -----NOT FOR YOU, BUT FOR ALL NONLAWYERS TO USE THE LAW LIBRARY AS OPPOSED TO LAWYERS, THERE WOULD CLEARLY BE A RATIONAL BASIS FOR THAT DISCRIMINATION OR FOR THAT DIFFERENTIATION. -------YOUR CASE IS DISTINGUISHABLE FROM THE PRISONER CASES -----THEY CAN'T GO ANYWHERE ELSE, ----YOU COULD GO OTHER PLACES. IT MIGHT BE BURDENSOME, BUT THAT'S THE COST SOMETIMES AND THE PRICE OF BEING A HUMAN BEING. THERE ARE OTHER LAW LIBRARIES AVAILABLE.--"

THE COURT DISMISSED MY CASE WITH PREJUDICE.

I APPEALED THE CASE; DEFENDANTS MOTIONED THE COURT FOR DISMISSAL OF APPEAL.

53. SEC.AMEND.COMP. EX.REC. VOL.1,PP11,30.
54. 54. RPTR.TR. S79-73-MLS,80-4328,P9:14
55. RPTR.TR. S79-73MLS,80-4328, P31-33.

CIRCUIT JUDGES TANG AND SKOPIL DENIED THE MOTION[56].AFTER BRIEFING, ORAL HEARING WAS ON DECEMBER 16, 1981 WHEREIN I READ A STATMENT BEFORE CIRCUIT JUDGES WRIGHT, HUG AND BOOCHEVER, WHO AFFIRMED THE DISTRICT COURT DISMISSAL. JUDGE BOOCHEVER DISSENTED, STATING I HAD STATED A CAUSE OF ACTION[57]. MY PETITION FOR REHEARING STATING MATERIAL OVERLOOKED, ERRORS IN INTERPRETATION OF THE CASE, AND RECENT CITATIONS, BUT MY SUGGESTION FOR REHEARING EN BANK WAS DENIED[58],

I APPEALED TO THIS COURT JUNE 10, DISCOVERED MY ERROR AND FILED CORRECTION WITH PETITION FOR CERTIORARI JULY 22, 1982[59].

MY PETITION FOR TIME EXTENSION FILED AUGUST 16, 1982 WAS GRANTED BY MISTER JUSTICE WILLIAM H. REHNQUIST TO AND INCLUDING SEPTEMBER 24, 1982 AND NUMBERED A117.

56. APP-A, INFRA, pp1a-14a
57. APP-A, INFRA, PP 9a-13a.
58. NOT INC. HEREIN SEE ARGUMENT
59. APP-E, INFRA, P 22a

THIS PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED TO DETERMINE THE RIGHTS OF AVERAGE UNITED STATES RESIDENT TO THE LAWS UNDER WHICH WE ARE GOVERNED.

AT THIS TIME, PARTICULARLY IN OUT-LYING COMMUNITIES, PEOPLE ARE ACTUALLY CONTROLLED BY ACCESS TO THE LAW.

WITHOUT SUCH A DETERMINATION OF THIS COURT, THE SITUATION WHICH I HAVE JUST EXPERIENCED MAY HAPPEN AGAIN.

THERE MAY NEVER BE KNOWN THE NUMBER OF PEOPLE WHO LOST PROPERTIES, LIBERTIES AND HUMAN RIGHTS, SIMPLY BY BEING 'LOCKED-OUT' OF THE LAW LIBRARY BY THOSE WHO SWORE BY OATH TO PROTECT AND PLEDGE THEMSELVES TO UPHOLD BOTH STATE AND FEDERAL CONSTITUTIONS.

BY CALIFORNIA LAW, THE LITIGANTS IN COURT PAY FOR THE LAW LIBRARY MATERIALS. THE COUNTY ADDS THEIR SUPPORT. THEREFORE, IT DOES NOT BELONG TO LAWYERS ALONE, BUT FOR NON-LAWYERS AS WELL, INCLUDING ME.

PLEASE GRANT WRIT OF CERTIORARI.

ARGUMENT

I.

DID THE RULE AS INITIATED AND ENFORCED:

"LAW LIBRARY OPEN TO THE PUBLIC 3PM TO 5PM

1. ONLY LAWYERS MAY CHECK OUT BOOKS.
2. CHECK OUT PERIOD IS ONE WEEK.
3. WHEN LIBRARY IS CLOSED, LAWYERS MAY OBTAIN KEY FROM JUDGES' SECRETARY'S OFFICE, RELOCK DOOR WHEN LEAVING, RETURN KEY TO SECRETARY WHO WILL THEN CHECK OUT BOOKS WITHDRAWN BY LAWYERS."

BY CALIFORNIA SHASTA COUNTY SUPERIOR COURT JUDGES WITH OTHER TRUSTEES IN A MEETING OUTSIDE THEIR COURTROOMS, ABRIDGE MY LIBERTIES, FREEDOMS, AND RIGHTS UNDER THE UNITED STATES CONSTITUTION, BUT MY ACTION WAS DISMISSED BY THE UNITED STATES COURT OF APPEALS AS NOT STATING A CAUSE OF ACTION UNDER TITLE 42 U.S.C. §1983?

A.

THE UNITED STATES COURT OF APPEALS SHOULD NOT HAVE DISMISSED MY ACTION AS NOT STATING A CAUSE OF ACTION UNLESS THERE WERE NO SET OF FACTS THAT COULD SUPPORT

MY COMPLAINT.[60] THIS COURT STATED THAT ONLY TWO ALLEGATIONS MUST BE MADE UNDER §1983:[61] FIRST, I MUST ALLEGE THAT I HAD BEEN DEPRIVED OF A FEDERAL RIGHT WHICH I DID STATE IN MY SECOND COMPLAINT: THAT I HAD BEEN DEPRIVED OF MY FIRST, FIFTH, THIRTEENTH AND FOURTEENTH AMENDMENTS OF THE FEDERAL CONSTITUTION, AND MY CIVIL RIGHTS UNDER THE CIVIL RIGHTS ACT 1964, AND CIVIL RIGHTS ACT OF 1871[62]. SECOND, I MUST ALLEGE THAT THE DENIAL OF SUCH RIGHT WAS TAKEN UNDER COLOR OF LAW, WHICH WAS ALLEGED AND AGAIN, SUPPORTED WITH DOCUMENTS[63].

FURTHER, THAT THE DAMAGES AS ALLEGED MAY BE FAULTY THAT I INTENDED TO MOTION THE COURT TO AMEND AND SUPPLEMENT THE ACTION

60. APP-A, INFRA, p4a,9a; MCLAIN V. REAL ESTATE BD. OF NEW ORLEANS INC.(1980) 100 S.CT. 502; GOMEZ V TOLEDO, 446 U.S. 635, 640 (1979): SCHEUER V RHODES, 416 US 232.

61. GOMEZ V TOLEDO, SUPRA P 640.

62. P3:5-12; P8:17-19; 26-27; 30-32; P9: 13-18: 23-29; P10:5-7, 15-24; P11: 3-17, 23-30; P12:7-13, 19-21, 23-27.INC.ATTCH., JUDGE EATON'S LTR-APP-E1, INFRA, 107a INFRA APP-

63. FN 62: 2nd AMEND.COMP. WITH ATTACH.

TO NAME DEFENDANTS' CORPORATIONS, SPOUSES, AS CALIFORNIA IS A COMMUNITY PROPERTY STATE, AND SUPPLEMENT COMPLAINT AS STATED TO THE DISTRICT COURT AT ORAL HEARING[64]. AS MY 2ND AMENDED COMPLAINT WAS WRITTEN WITHOUT FULL AND EQUAL ACCESS TO THE LAW LIBRARY AND WITHOUT THE PRIVILEGE OF CHECK OUT OF BOOKS OVER THE HOLIDAY, IT IS A REASONABLE REQUEST UNDER FEDERAL RULE OF CIVIL PROCEDURE 15[65].

MY COMPLAINT SHOULD NOT HAVE BEEN DISMISSED WITH PREJUDICE BY THE DISTRICT COURT OF THE EASTERN DISTRICT AS REPORTER'S TRANSCRIPTS SHOW I WAS NOT IMPROPER NOR IN CONTEMPT AND SUCH SEVERE DISMISSAL WAS NOT WARRANTED[66].

NOR WAS MY CASE FRIVOLOUS. ALL FOUR DEFENDANTS' LAWYERS FAILED TO PLEAD FOR

64. 2nd AMEND.COMP:9; S79-73-MLS R.T:29.
65. J.C. PENNEY CO.,INC.570 F2d 679(3rd1978) BRITT V ARVANITIS (CA3 1978)590 F2d 57
66. HILDEBRAND V HONEYWELL, INC. (CA5 1980)

FEES IN THEIR BRIEFS AS NOTICE BY CIRCUIT JUDGE WRIGHT AT ORAL ARGUMENT. TO TAG MY COMPLAINT FRIVOLOUS SIMPLY TO ASSIST LAWYERS TO OBTAIN FEES IS NOT PROPER.

FOURTEENTH AMENDMENT

THERE WAS A CAUSE OF ACTION STATED UNDER THE FOURTEENTH AMENDMENT WHICH STATES:

"NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDEGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES;NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN IT'S JURISDICTION THE EQUAL PROTECTION OF THE LAWS."

UNDER THE FOURTEENTH AMENDMENT ALLEGATIONS OF DEPRIVATIONS OF MY FIRST, FIFTH AND THIRTEENTH AMENDMENTS AND OF CONSPIRACY §1985(2)(3) MAY BE REACHED BY THIS COURT AND MAY REVIEW THE STATE JUDGMENTS.

THE RULE ON IT'S FACE, SUPRA, STATES DEPRIVATION OF EQUAL PROTECTION OF THE LAW, WHEN IT STATS A CLASS DISCRIMINATION BETWEEN LAWYERS AND NON-LAWYER RESIDENTS, AND BETWEEN LAWYER AND NON-LAYWER LITI-

GANTS IN COURT IN PRO SE[67].

THE RULE ALSO STATES DEPRIVATION OF FIFTH AND FOURTEENTH DUE PROCESS OF LAW. THE'LAW LIBRARY" ITSELF INDICATES THAT IT IS A LIBRARY OF LAW BOOKS, BY LOCATION NEAR THE COURTROOMS, BY CALIFORNIA LAW[68], GIVES EQUAL ACCESS TO LAWYER AND NON-LAWYER LITIGANTS AND RESIDENTS, AND TO THOSE REPRESENTED BY LAWYERS, FILING AND ANSWERING LITIGANTS, BOOKS TO BE USED IN THE COURT OF LAW[69], AND THEREFORE STATES DISCRIMINATION BETWEEN LITIGANTS IN COURT, AND DENIAL OF DUE PROCESS OF LAW TO ONE CLASS OF NON-LAWYER LITIGANTS IN PRO SE[70], THEREFORE IS ACTIONABLE UNDER 42USC §1983.

67. APP-F, INFRA,P 25a
68. CAL.BUS.PRO.CODE §6360;APP-X,PP77a
69. CAL BUS.PRO.CODE §6321,6322,
70. JUDGE EATON'S LTR APP-E1, Infra, 107a MILLS V.HABLUETZEL 42 CCH S CT BULL B2009 LOGAN V ZIMMERMAN 102 S CT 1148 (1982); DENNIS V SPARKS, 101 S CT 183 (1980); GOMEZ V TOLEDO, 446 US 635; SCHEUER V RHODES, 416 US 232 (1974): OWEN V CITY OF INDEPENDENCE, 415 US 622;(1980); MONELL V NEW YORK, 436 US 658, 56 L ED 2d 611, APP-Z, INFRA, PP 77a

1. FIRST AMENDMENT STATES:"CONGRESS SHALL MAKE NO LAW ----ABRIDGING THE FREEDOM OF SPEECH OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE ----TO PETITION THE GOVERNMENT OFR A REDRESS OF GRIEVANCES."

THE RULE PLACED PRIOR RESTRAINTS UPON MY FREEDOM OF SPEECH AND WRITING WHILE PREPARING FOR COURT IN BOTH MY STATE AND FEDERAL COMPLAINTS, FOR I WAS UNABLE TO READ THE COURT RULES, PROCEDURES, FORMS OF PLEADINGS AND MADE MANY ERRORS[71]. THE RULE REMAINED IN EFFECT UNTIL 1980.

COUNTY COUNSEL ATTEMPTED TO REDUCE THE HARM AND THE IMPACT OF THE RULE IN APPELLEES REPLY BRIEF P3:

"----BECAUSE OF LOSS OF AND DAMAGE TO LIBRARY MATERIALS, THE GENERAL PUBLIC'S USE OF THE LIBRARY WAS REDUCED TO TWO HOURS PER DAY, OR APPROXIMATELY 42 HOURS PER MONTH.(APPELLANT'S BRIEF, 1:15-24) THE 42-HOUR LIMITATION REMAINED IN EFFECT JUST OVER THREE YEARS, UNTIL JANUARY 1978 WHEN A SECRETARY-LIBRARIAN BECAME AVAILABLE AND THE LIBRARY POLICY WAS CHANGED TO ALLOW USE BY THE GENERAL PUBLIC FOR FOURT HOURS PER DAY OR ABOUT 84 HOURS PER MONTH. (APPELLANT'S BRIEF 3:28-29, 24:23-28.) THE GENERAL PUBLIC MAY NOW USE THE LIBRARY EIGHT HOURS PER DAY.(SEE ATTACHED AFFADAVIT OF TODD FINEBERG.)"

71. STATEMENT OF THE CASE SUPRA,

AND STATES THAT THE SECURITY OF THE BOOKS IS RATIONALLY RELATED TO A COMPELLING STATE STATE INTEREST AND:

" THE PLACING OF RESTRICTIONS ON THE GENERAL PUBLIC'S USE OF THE LAW LIBRARY BEARS A RATIONAL RELATIONSHIP TO THE ACHIEVEMENT OF A LEGITIMATE COUNTY GOAL."

BUT THE CALIFORNIA BUSINESS AND PROFESSIONAL CODE 6360 STATES![72]

"----THE GIVING OF SECURITY -----FINES AND CHARGES FOR VIOLATION OF THE RULES--"

BUT TO INCLUDE NON-LAWYER LITIGANTS IN COURT IN PRO SE WAS A VIOLATION OF MY CONSTITUTIONAL LIBERTIES AND RIGHTS AND A COMPELLING STATE INTEREST IS THE ONLY THING THAT CAN BE PLACED ABOVE SUCH LIBERTIES AND FREEDOMS[73].

AS JUDGE BOOCHEVER STATED[74], WRIGHT V LANE COMMISSIONERS 459 F2d 1021, DOES NOT APPLY FOR HE WAS GIVEN THE RIGHT OF

72. APP-A1, INFRA, PP91a-93a
73. PROCUNIER V MARTINEZ, 416 US 396(1974) TINKER V DES MOINES COMMUNITY SCHOOL DIST. (1969) 393 US 503; THE SUPREME CT. AND THE RIGHT OF FREE SPEECH AND PRESS, 21 L ED 2d 976 976; 74. APP- A. INFRA, P 12a

ACCESS TO THE LAW LIBRARY DURING REGULAR BUSINESS HOURS; I WAS GIVEN ONLY 2 HOURS.

THE FREEDOM TO SPEAK AND PRESENT WRITINGS BEFORE THE COURT, AND THEREBY, PETITION OUR GOVERNMENT FOR GRIEVANCES ARE TWO OF THE MOST PRECIOUS LIBERTIES AND FREEDOMS, AND HAS BEEN CONSISTENTLY UPHELD.

TO 'LOCK-OUT' LITIGANTS FROM THE LAW LIBRARY IS NO DIFFERENT TO REMOVING BOOKS OUT OF A LIBRARY. NOR CAN A STATE GOVERNMENT TAKE IT UPON THEMSELVES TO DETERMINE WHO DOES OR DOES NOT RECEIVE CONSTITUTIONAL RIGHTS AND FREEDOMS AND LIBERTIES[75].

75. BOARD OF EDUCATION ISLAND TREE UNION V PICO #80-2043, 82 DAILY JOURNAL D.A.R. 1741,(JUNE 1982); WIDMAR ET V VINCENT ET AL (1981) LANDMARK COMMUNICATIONS, INC V COMMONWEALTH OF VIRGINIA (1978) 56 L ED 2d 1, ELROD V BURNS 427 I ED2d 547 (1976) CHICAGO COUNCIL OF LAWYERS V BAUER, 522 F2d 242, 258, CERT DENIED 427 US 912 (1976 MATHEWS V ELDRIDGE, 424 US 319 (1976) SPEISER V RANDALL, 357 US 513, 2 L ED2d 1460, BETTER AUSTIN V KEEFE, 402 US 415, (1971) UNITED MINE WORKERS V ILLINOIS STATE BAR, (1967) ESTES V TEXAS 381 US 532, 540, NEAR V MINNESOTA 283 US 697, IN RE MURCHISON ET AL 349 US 133; SOUTHEASTERN PROMOTIONS LTD V CONRAD 420 US 546. HAGUE V CIO 307 US 496 US V PRICE 383 US 787 (1966).

THE FIFTH AMENDMENT STATES:"NO PERSON SHALL BE ---DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE, WITHOUT JUST COMPENSATION."

AND IS ACTIONABLE UNDER THE FOURTEENTH AMENDMENT, SUPRA.

ACTION #42361 FILED BY THE CIBULAS' ON MY BEHALF, STATED NEGLIGENCE AND CLEAN-OUT OF DRAINAGE CREEK, NEGLIGENCE IN CONSTRUCTION UNDER CALIFORNIA SECTION #832 SUPRA, AND ACTIONS #54512, #54513, #58025 FOLLOWED THEREAFTER, SUPRA.

IN ACTION #42361, THE MATTER HAD BEEN SUBMITTED TO COURT, MOTION FOR DISCHARGE HAD BEEN GRANTED, I WAS WITHOUT REPRESENTATION, THEN DEFENSE COUNSEL CLYDE SMALL REQUESTED FINDINGS OF FACT, CONCLUSIONS OF LAW IN WHICH THE COURT STATED:

"----HAVING HEARD THE TESTIMONY AND HAVING EXAMINED THE PROOFS OFFERED BY THE RESPECTIVE PARTIES, AND THE CAUSE HAVING BEEN SUBMITTED FOR DECISION, AND THE COURT BEING FULLY ADVISED IN THE PREMISES, NOW MAKES ITS FINDINGS-----"(APP-C1,PP91a-92a).

BUT MADE NO MENTION OF OBVIOUS WINGWALL

TRESPASS. THIS COURT AGAIN RECENTLY STATED EVEN A SMALL PERMANENT TRESPASS IS A TAKING OF PROPERTY[76]. THEREFORE, THE FINDINGS OF FACT WERE FAULTY, DID NOT STATE THE TRUTH OF THE CASE. THAT THERE MUST BE COMPENSATION FOR THE TAKING OF PROPERTY AS IN BOTH FIFTH AND FOURTEENTH AMENDMENTS.

AS TRESPASS AND ENCROACHMENT WAS NOT DETERMINED IN ACTION #42361, THEN IT WAS VALID CLAIM IN ACTION #54513.

BUT THIS COURT CLEARLY REAFFIRMED PRIOR DECISIONS THAT PROCEDURAL DUE PROCESS IN CLAIMS AND COMPLAINTS MUST BE FOLLOWED. THAT WHEN PROCEDURAL DUE PROCESS IS NOT FOLLOWED THE COURT OR HEARING DETERMINATIONS ARE NULL AND VOID. THEREFORE, JUDGMENTS AND OTHER PRE-TRIAL PROCEDURAL DETERMINATIONS IN ACTIONS #54512, 54513,58025 AS APPEALED ARE NULL AND VOID[7].

THIS COURT MAY ALSO AGREE ACCESS TO

76. LOGAN V ZIMMERMAN BRUSH (1982) 102 S CT 1148; APP-F, INFRA, 23a-24a. LORETTO V TELEPROMPTER MANHATTAN CATV. INFRA, FN 80

TO THE LAW LIBRARY IS ACCESS TO COURTS.

THE SECURITY OF LAW MATERIALS WAS NOT OF COMPELLING COUNTY AND STATE INTEREST TO BE PLACED ABOVE MY CONSTITUTIONAL LIBBERTIES AND FREEDOMS. A COURT IS NOT NEUTRAL NOR UNBIASED WHEN THE JUDGES WITH OTHER TRUSTEES VOTE TO STAND FIRM ON THE RULE, SUPRA, THEN ENFORCE AND INSTRUCT THEIR PERSONNEL TO ENFORCE THE RULE ON THE NON-LAWYER PUBLIC, AND ON THE NON-LAWYER LITIGANTS IN COURT IN PRO SE. THEN, THE JUDGE RE-ENTERS THE COURT TO DETERMINE MY ISSUES BEFORE THE COURT. PRE-TRIAL PROCEDURAL COURT PROCESS MUST BE BE FOLLOWED BEFORE AN UNBIASED, NEUTRAL COURT[77] WITHOUT PRIOR RESTRAINTS.

THE COURT IS THE ONLY PLACE I COULD

GO TO PETITION THE GOVERNMENT FOR REDRESS

77. BROWN V HARTLAGE, 42 CCH Bull B2060 (Apr 1982) LOGAN V ZIMMERMAN,(1982) 102 S CT 1148 (1982); ELROD V BURNS 427 US 347, 373, 46 L ED2d 547(1976); WEBER V AETNA CASUALTY SURETY CO., 406 US 164, 92 S CT 1400 (1972)TUMEY V OHIO (1927) 273 US 510.

OF GOVERNMENT VIOLATIONS OF MY PROPERTY AND CONSTITUTIONAL LIBERTIES; TO PRESENT MY LEGAL MAL-PRACTICE CASE FOR DETERMINATION BY THE COURT.

BUT FOR THE RULE, ACTION #54512 WOULD HAVE BEEN WON. BUT ANY ACTION BEFORE THE COURT WOULD HAVE BEEN A FARCE WITHOUT ACCESS TO THE RULES OF COURT, EVIDENCE, AND PRETRIAL PROCEDURES. BASED UPON CITY RECORDS AS ATTACHED AND MADE A PART OF ACTION #58025 WHICH MY LAWYERS NEVER PRESENTED TO THE COURT BY CROSS-EXAMINATION OF CITY EMPLOYEES; NEVER MENTIONED NOR ARGUED PERMANENT TRESPASS OF CONSTRUCTED WING-WALLS WITH CONCEALED APRON OBVIOUS TO ALL BY VISUAL INSPECTION BY THE COURT OF THE PROPERTY.[79] THIS COURT HAS AGAIN RECENTLY STATED THAT PERMANENT TRESPASS, NO MATTER HOW SMALL, IS A 'TAKING OF PROPERTY'.[80]

79. 3 CIV 14495 R.T:26-28, 15:24-26,17, 20:17-20; 395:1-8, 398:12-25, 400:13-17, 383, 389:14-28; APP-C1, INFRA pp 91a-94a

80. LORETTO V TELEPROMPTER MANHATTAN CATV CORP. 82 DAILY JOURNAL D.A.R. 1865(1982)

ACTION #54512 IS STILL PENDING ALTHO DEFENSE COUNSEL JOLLY IN REPLY TO JUDGE BOOCHEVER AT ORAL HEARING STATED THAT MY ACTION WAS VALID, HAD BEEN TIMELY FILED, BUT THEY HAD DELAYED MOTION FOR DISMISSAL.

ACTIONS #54513 WAS NOT BARRED BY ACTTION #42361 AS RES JUDICATA AND COLLATERAL ESTOPPEL. #54513 STATED INVERSE CONDEMNATION FOR CULVERT AS PLANNED, DESIGNED, CAUSED DAMAGE TO MY PROPERTY.[81] INVERSE CONDEMNATION IS BASED UPON THE CAUSATION AND NOT A CONCURRING CITY FAULT OR NEGLIGENCE.

#54513 SHOULD HAVE BEEN AMENDED TO INCLUDE AUGUST 14, 1976 FLOODING. BUT FLOODING OCCURRED SATURDAY, MONDAY, CITY OF REDDING DEMURRERS HEARING WAS SCHEDULED. ACCESS TO THE LAW LIBRARY WAS AGAIN REFUSED ME BEFORE COURT. I NOTIFIED THE COURT, BUT WAS UNABLE STATE PROPER MOTION FOR CONTINUANCE, TO RESEARCH LAW TO DISMISS

81. CITED HOLTZ V SUP.CT.(1970) 3CAL3d 302 305, UPHELD IN MARIN V SAN RAPHAEL (1980) 111 CA3d 591,595, 105 CAL RPTR 750.

JUDGMENT OF FIRST TWO SPLIT DEFENDANTS, AS RES JUDICATA AND COLLATERAL ESTOPPEL. BUT BEFORE AN ACTION IS DISMISSED FOR RES JUDICATA, A FAIR ADVERSARY HEARING MUST ASSUMED TO HAVE BEEN RECEIVED[82].

THEREFORE, BOTH JUDGMENTS IN #54513 AND #58025 ARE NULL AND VOID.

2. A PROPERTY INTEREST RIGHT OF LAW LIBRARY USE WAS ACQUIRED BY ME. NOT ONLY BY FEE PAID, BUT BY IMPLIED CONTRACT AND CONSTITUTIONAL RIGHT OF EXPECTATION AS A PART OF EQUAL PROTECTION OF THE LAW,SUPRA. BUT THE COURT OF APPEALS STATED I DIDN'T ACQUIRE SUCH RIGHT BY FEE OF $4.00 PAID[83]. CALIFORNIA LAW REQUIRES A FEE PAID WITHIN THE FILING FEE, AS $3.00 JUDGES' RETIREMENT, $10.00 FOR COURT REPORTER, SET ASIDE FROM COUNTY FUNDS[83]. NOR CAN ONE CLASS OF PERSONS BE TREATED DIFFERENTLY THAN

82.PET. 78-1611,P67 FN 108, LOGAN V ZIMMERMAN SUPRA, BODIE V CONNETTICUTT, 401 US 371,374, 177-379 (1970)

83. APP-A, INFRA, P 4a, APP-A1, INFRA,87a

84. BD. OF LAW LIBRARY TRUSTEES V LOWRY 67 CA2d 480, BICENT.HIST.AMER.LAW LIBRARY

ANOTHER[86]. CONTROL OF ACCESS TO THE LAW LIBRARIES CONTROL NON-LAWYER LITIGANTS IN COURT BY LAWYERS AND GOVERNMENT OFFICIALS. PEOPLE ARE THEREFORE PLACED INTO A 'PRISON-WITHOUT-WALLS'. EITHER DRIVE 160 MILES TO A LAW LIBRARY OR GO WITHOUT. THUS BEING FORCED TO SEEK LEGAL COUNSEL EVEN ON THE MOST MINOR LEGAL INFORMATION.[85]

THE DISTRICT COURT STATES IT IS ALL-RIGHT TO DISCRIMINATE BETWEEN LAWYERS AND NON-LAWYERS; THAT SUCH A BURDEN AS A HUMAN BEING IS ONE THAT I MUST BEAR; THAT IF YOU HAVE BECOME UNLAWFUL AND A CRIMINAL, THEN YOU HAVE YOUR FUNDAMENTAL CONSTITUTIONAL RIGHTS AND CIVIL LIBERTIES;[87]

IES, LLJ, VOL 69;528,536,542-544;VOL 67:325

85. STATEMENT OF THE CASE

86. BD.OF.ED.ISLAND TREE UNION V PICO,80-2043, 82 DAILY JOURNAL D.A.R.1741(1982) JAGO V VAN CUREN,102 S CT 31,33-35(1981) BOARD OF REGENTS V ROTH 404 US 909;ESTES-V TEXAS 381 US 532, 540, 14 L ED2d (1965) LOGAN V ZIMMERMAN BRUSH, 102 S CT 1148(1982) IN RE MURCHISON 99 L ED 942, 75 S Ct 623 (1955)SOUTHEASTERN PROMOTIONS LTD V CONRAD 420 US 546, 43 L ED 2d 448, 95 S CT 1239;

87. WIDMAR ET AL V VINCENT ET AL (1981) 102 S CT 269 . 87. S79-73MLS R.T:30-33.

IN EFFECT THE DISTRICT COURT STATES THAT IT IS DISCRIMINATORY BETWEEN THOSE REPRESENTED BY LAWYERS AND THOSE IN COURT IN PRO PER, SUPRA, AND THAT IT IS RATIONALLY RELATED TO LAWYERS' PRIVILEGE. THAT IS UNCONSTITUTIONAL AND DENIAL OF DUE PROCESS OF LAW, EQUAL PROTECTION OF THE LAW.

THEREFORE, I NOT ONLY HAD A PROPERTY INTEREST RIGHT IN FREEDOM TO SPEAK, WRITE, EXPRESS MY OPINIONS, BUT ALSO, IN DUE PROCESS OF LAW, EQUAL PROTECTION OF THE LAW, AND SUCH DENIAL UNDER THE FIRST, FIFTH, FOURTEENTH AMENDMENTS HAD MADE ME SUFFER IRREPARABLE HARM UNDER THE FOURTEENTH AMENDMENT OF CRUEL AND UNUSUAL PUNISHMENT.

BECAUSE OF DENIAL OF THESE PROPERTY INTEREST RIGHTS AND THE PROPERTY INTEREST RIGHT UNDER CALIFORNIA LAW, SUPRA, A CAUSE OF ACTION WAS STATED UNDER §1983[88].

88. LOGAN V ZIMMERMAN BRUSH CO; JAGO V VAN CUREN; MILLS V HABLUETZEL; BROWN V HARTLAGE; DENNIS V SPARKS; LANDMARK COMMUNICATIONS INC. V COMMONWEALTH OF VIRGINIA; PERRY V SINDERMANN; MONELL V DEPT. OF SOC. SUPRA, SUPRA CITATIONS.

BOTH THE THIRTEENTH AMENDMENT AND §1985(2)(3) ARE ACTIONABLE UNDER THE FOURTEENTH AMENDMENT[89].

A SIMPLE RULE POSTED ON THE LAW LIBBRARY DOOR ON THE THIRD FLOOR OF THE COURTHOUSE, SUPRA, WHICH, IF GONE UNCHALLENGED, MAY HAVE BECOME ONE OF THE MOST INVIDIOUS INVISIBLE, EXTENSIVE 'CONTROL-POWERS' WITHIN A GOVERNMENT. THE RULE, AS ALLEGED, ENFORCED OUTSIDE THEIR COURTROOMS, THE JUDGES THEN RE-ENTERED THEIR COURTROOMS WITHIN THEIR JUDICIAL IMMUNITY, DETERMINED THE ISSUES BEFORE THE COURT, SUPRA AND IN EFFECT DETERMINED WHO DID OR DID NOT RECEIVE JUSTICE.

NON-LAWYER RESIDENTS AND LITIGANTS IN PRO PER WERE DENIED ACCESS TO LAW BOOKS BEFORE SMALL CLAIMS, JUSTICE AND SUPERIOR COURTS, BEFORE 3 PM UNTIL JANUARY 1978--- A FULL THREE (3) YEARS, THEN FOR ANOTHER

89. APP-F, INFRA, P 26a;
90. GRIFFIN V BRECKENRIDGE,(1971)403 US 88.

TWO (2) YEARS UNTIL FEBRUARY 14, 1980.

I DID NOT HAVE A LAWYER. BUT JUDGE EATON HAD TOLD ME TO GO FIND A LAWYER[91].

A LAWYER AND JUDGE'S PREFERENTIAL TREATMENT AS TO CHECKING OUT BOOKS WAS ALSO A PRIVILEGE OR WEAPON WHICH MAY OR MAY NOT BE'EXCHANGED'FOR OTHER PRIVILEGES TO NEIGHBORS OR FRIENDS, OR OPPOSITION OR ENIMIES.

ALSO, LAWYERS' SERVICE MUST BE PAID FOR, BY CASH OR BY EXTRA WORK AFTER REGULAR WORK DAY. TO BE FORCED TO PAY FOR A LAWYER'S COUNSEL ON THE MOST MINOR LAW INFORMATION IS INVOLUNTARY SERVITUDE.

SUCH INVIDIOUS, INTANGIBLE, INDEFINABLE, 'POWER-CONTROL' BY CLASS DISCRIMINATION MAY EXIST WITHOUT REGARD TO RACE, COLOR CREED OR RELIGION.

THEREFORE, I STATE A CAUSE DIRECTLY UNDER THE THIRTEENTH AMENDMENT[92].

I ALSO STATE A CAUSE OF ACTION UNDER

91. LTR OF COMP/CLAIM ATTACH TO COMPLAINT
92. I COULD NOT FIND CITATION ON POINT.

UNDER 42 USC §1985(2)(3), CONSPIRACY TO INTERFERE WITH MY CIVIL RIGHTS.

THROUGHOUT MY 2ND AMENDED COMPLAINT WITH ATTACHMENTS, BRIEFS AND ARGUMENT HEREIN I HAVE SUPPORTED ALLEGED CONSPIRACY TO DISCRIMINATE BETWEEN CLASSES, LAWYERS AND NON-LAWYERS, AND THOSE REPRESENTED BY LAWYERS, AND SUPPORTED SUCH ALLEGATIONS SPECIFICALLY AS REQUIRED OF §1985(2) SUPRA.

BUT ANOTHER REASON BEHIND THE RULE OTHER THAN SECURITY OF BOOKS KEEP NON-LAWYER LITIGANTS IN PRO PER OUT OF COURT, THUS REDUCING THOSE IN COURT, ELIMINATING THE COMPLAINTS AGAINST THE SUPERVISORS, AND MY COMPLAINT AGAINST THE CITY, CITY OFFICIALS, CITY AND COUNTY PLANNING COMMISSIONER ADJOINING NEIGHBORS AND MY LEGAL MAL-PRACTICE ACTION, THUS, CONTINUING TO CONCEAL PREFERENTIAL TREATMENT AND VIOLATION OF CITY ORD. §94493, 93, ALLEG. §54512,54513,58025,

WHICH MAY HAVE TRIGGERED AN INQUIRY INTO OTHER PREFERENTIAL TREATMENT UNKNOWN AT THAT TIME.

THE NON-LAWYERS MAY BE FORCED INTO LAW OFFICES, BENEFITING ALL THE MEMBERS OF THE TRUSTEES. FOR AS STATED, IF I WAS UNABLE TO GET TO THE LAW LIBRARY PROCEDURES IT IS REASONABLE OTHERS LIKE MYSELF WOULD ERROR AND LOSE THE CASE, OR RATHER, SEEK LEGAL COUNSEL, AND, PAY THE PRICE.

THE COURTS HAVE STATED THAT CONSPIRACY IS GENERALLY WITHIN THE KNOWLEDGE OF DEFENDANTS, AND SELDOM IN DOCUMENTS?[94] AS LONG AS I AM KEPT OUT OF COURT THE CONSPIRACY MAY REMAIN CONCEALED.

IT IS ALSO REASONABLE TO ASSUME THAT OTHERS AND DEFENDANTS' LAWYERS MAY HAVE

ATTENDED TRUSTEES' MEETINGS AND VOICED

94. GRIFFIN V BRECKENRIDGE, SUPRA FN 80 AMERICAN TOBACCO CO V UNITED STATES 328 US 781, 66 S CT1125, 90 L ED 1575, FOLLOWED IN INDUSTRIAL BLDG. MATERIALS INC V INTERCHEMICAL CORP 437 F2d 1336(9TH 1970) CROW V LUCAS, 595 F2d 985 (1975)

THEIR SUPPORT OF THE RULE. FURTHER, IT IS REASONABLE TO BELIEVE THAT ALLEGATIONS MAY BE STATED AGAINST THOSE DEFENDANTS WITHIN ACTION #54513 AND #58025, THEREFORE 'DOES' ALLOWED BY CALIFORNIA LAW WERE TO BE NAMED BY AMENDMENT AS THEY KNEW OR SHOULD HAVE KNOWN THAT FOR DISCOVERY OF THEIR CONSPIRACY THEY WOULD HAVE BEEN NAMED AND THEREFORE NOT PREJUDICED[95].

AS SECTION 1985(2)(3) DOES NOT REQUIRE TO BE UNDER COLOR OF LAW, BUT STANDS ALONE, THE ALLEGED CONSPIRACY SHOULD NOT HAVE BEEN DISMISSED AND DOES STATE A CAUSE OF ACTION UNDER 42 U.S.C. 1985(2)(3), THIRTEENTH AMENDMENT AND UNDER THE FOURTEENTH AMENDMENT[96], THEREBY UNDER §1983.

UNDER SECTION §1986[97] ALSO SHOULD NOT HAVE BEEN TERMED 'FRIVOLOUS' AND DISMISSED. THERE IS REASON TO BELIEVE THAT THERE WAS A CONSPIRACY AS ALLEGED §1985(2)(3)

95. S79-73-MLS R.T.:29-32
96. APP-F, INFRA, 25a; APP-Z, INFRA, p77a
97. APP-F, INFRA, P 80a

THAT OTHERS DID KNOW ABOUT IT AND DID NOTHING AND IN OTHER INSTANCES, SUPPORTED THE CONSPIRACY AS ALLEGED,SUPRA, AND THEREFORE ARE ALSO LIABLE TO ME FOR DAMAGES AS STATED IN §1985(3) SUPRA. AND MAY BE NAMED AS REQUESTED IN 2ND AMEND.COMPLAINT AS NON- GOVERNMENT OFFICIALS AS LAWYER DEFENDANTS NAMED HEREIN AND AS OTHERS BECOME KNOWN, SUPRA.

ALLEGED ACTS UNDER COLOR OF LAW §1983, TAKING OF PROPERTY, OF PRIOR RESTRAINTS OF FIRST, FIFTH, THIRTEENTH AND FOURTEENTH AMENDMENTS, OF CONSPIRACY TO FORCE ME OUT OF COURT AS A NON-LAWYER LITIGANT IN COURT IN PRO PER, AND OF OTHERS COOPERATING IN THE CONSPIRACY UNDER §1985(2)(3), §1986 ALL STATE CAUSES OF ACTION AND MY ACTION SHOULD NOT HAVE BEEN DISMISSED.

DAMAGES NOT PROPERLY STATED MAY HAVE BEEN AMENDED AS REQUESTED, SUPRA, AND WAS NO REASON TO DISMISS MY COMPLAINT[98].

98. MOORES FED.PRAC. RULE 15 & SUPPLEMENT.

II.

DO CALIFORNIA SHASTA COUNTY SUPERIOR COURT JUDGES HAVE JUDICIAL IMMUNITY OUTSIDE THEIR COURTROOMS WITH OTHERS ENACT A RULE, THEN PROCEED TO ENFORCE AND INSTRUCT PERSONNEL TO ENFORCE THE RULE,ALLOW ME ONLY 2 HOURS PER DAY AS A NON-LAWYER LITIGANT IN COURT IN PROPRIA PERSONNA TO RESEARCH LAW, DENY ME ACCESS DURING REGULAR BUSINESS HOURS, BEFORE, DURING AND AFTER COURT UNTIL 3 PM, THEN RE-ENTER THEIR COURTROOMS AND DETERMINE THE LAW IN MY ACTIONS, KNOWING IN ADVANCE PRIOR RESTRAINTS HAD BEEN PLACED ON MY LIBERTIES AND FREEDOMS,AS STATED,UNDER THE UNITED STATES CONSTITUTION?

A.

UNDER CALIFORNIA LAW[99] THE CALIFORNIA LEGISLATURE INTENDED THAT ONE SUPERIOR COURT JUDGE AND CHAIRMAN SUPERVISOR, AND LAWYERS AS APPOINTED WOULD DETERMINE THE

99. APP-A1, INFRA, 85a

OPERATIONS OF THE LAW LIBRARY BY:

"---AN AFFIRMATIVE VOTE OF A MAJORITY OF MEMBERS IS REQUIRED TO EXERCISE THE POWERS OF THE BOARD."($6304 APP-X,infra p80a) AND IT MAY BE ASSUMED JUDGES ROTATED LAW LIBRARY SUPERVISION. THEREFORE, THE JUDGES WERE OUTSIDE THEIR JUDICIAL IMMUNTIES, THEIR ACTS WERE IN COMBINATION WITH OTHERS IN A MEETING[100], THEIR ACTS WERE NOT A PART OF THEIR OFFICIAL JUDICIAL DUTIES, THEREFORE THEY DO NOT HAVE JUDICIAL IMMUNITIES.

THE JUDGES AND TRUSTEES DEFENDANTS AS NAMED, MAY HAVE HAD QUALIFIED IMMUNITIES IF THEIR ACTS WERE DONE IN SINCERE BELIEF THEY WERE LAWFUL. BUT THE JUDGES KNEW OR SHOULD HAVE KNOWN THEIR ACTS OF INITIATING THE RULE, ENFORCING THE RULE, WAS UN-

LAWFUL, UNCONSTITUTIONAL, DEPRIVED ONE

100. APP-A1, INFRA, P94a DENNIS V SPARKS, SCHEUER V RHODES, WOOD V STRICKLAND, SUPREME VIEWS ON CIVIL LIABILITY OF JUDGES 55 L ED 2d 850, OWEN V CITY OF INDEPEND MONNEL V NEW YORK CITY DEPT OF SOC.SER. SUPRA CITATIONS

CLASS OF PERSON EQUAL PROTECTION OF THE LAW, PLACED PRIOR RESTRICTIONS AND RESTRAINTS UPON MY CONSTITUTIONAL LIBERTIES.

BUT THE ENFORCEMENT OF THE RULE WAS NOT ONE SIMPLE ACT; BUT A SERIES OF ACTS OVER 5 YEARS, SUPRA. I WAS REFUSED EQUAL LAW LIBRARY ACCESS FOR ABOUT 5 YEARS!

THE JUDGES INTERPRETATION OF THE LAW WITHIN THE COUNTY WAS SUPREME. THEREFORE, THEY KNEW OR SHOULD HAVE KNOWN, AND MAY BE FORESEEABLE, THAT I WOULD ERROR IN MY PROCEDURES, MAY LOSE MY CASE, AND JUDGMENT WOULD BE FILED, --- CASE LAW IS FILLED WITH LAWYER ERRORS---AND, AS ALLEGED, THE CITY AND COUNTY PREFERENTIAL TREATMENT TO A FEW AS ALLEGED IN #58025,AND MAY BE DISCLOSED IN #54512, #54513, WOULD REMAIN CONCEALED, AS ALLEGED.

THE JUDGES WERE EXPERIENCED IN INTERPRETING THE LAW. THEREFORE THEY SHOULD NOT HAVE VOTED A RULE THAT WAS UNCONSTI-

UNCONSTITUTIONAL ON IT'S FACE.

JUDGE CLYDE SMALL[102] WITH LAURENCE CARR, LAWYER, HENRY KEEFER, SUPERVISOR CHAIRPERSON, AL CUNNINGHAM, LAWYER INITIATED THE RULE IN 1974[103]. THEREAFTER JUDGE SMALL, FORMER CITY OF REDDING DEFENSE COUNSEL, IN ACTION #54512 ACTED WITHOUT JURISDICTION.

JUDGE RICHARD B. EATON[102], REPLIED TO SUPERVISORS INQUIRY REGARDING LOCKMAN, SUPRA, WITH LAURENCE CARR, LAWYER, SUPERVISOR BESSIE SANDERS CHAIRPERSON, AND OTHER LAWYER TRUSTEES, VOTED TO UPHOLD PRIOR TRUSTEE DECISION[104].

JUDGE RICHARD B. ABBE[102], SUBMITTED MY LETTER TO TRUSTEES, SUPRA, THEN RE-ENTERED COURT TO DETERMINE ISSUES IN ALL MY ACTIONS #54512, #54513, #58025, SUPRA.

102. ON MY INFORM. AND BELIEF: JUDGE CLYDE SMALL, APPT. MCH. 20, 1974, RESIGNED JULY 1979; JUDGE RICHARD B. EATON, APPT. OCT 1, 1951, RETIRED END OF 1976; JUDGE RICHARD W. ABBE, APPT. FEB. 1, 1965, PRESENT; JUDGE WILLIAM PHELPS ELECTED JAN. 3, 1977, NOT 1982 CANDIDATE; JUDGE JOSEPH REDMON, LOWER COURT JUDGE, APPT. SEPT 1979, PRES

103. APP-J1, INFRA, 120a

KNEW IN ADVANCE OF COURT HEARING THAT I HAD BEEN RESTRICTED BY PRIOR RESTRAINTS, BUT DETERMINED THE ISSUES BEFORE THE COURT; CONTINUED TO INSTRUCT PERSONNEL TO REFUSE ME ACCESS TO LAW LIBRARY,SUPRA.

JUDGE WILLIAM PHELPS[102], VOICED HIS DISAPPROVAL OF THE RULE, BUT HIS SECRETARY DESKED IN THE LAW LIBRARY, CONTINUED TO DENY ME ACCESS TO THE LAW LIBRARY IN THE MORNINGS.

DURING THIS TIME LAW LIBRARY MEETING MINUTES WERE NO LONGER PLACED IN THE FOLDER OTHER THAN LAWYER EX OFFICIO TRUSTEES, WHICH INCLUDED DEFENDANTS LAURENCE CARR TODD FINEBERG[105].

SHASTA COUNTY SUPERVISORS ROTATED AS CHAIRPERSONS AND THEREFORE AS TRUSTEES. THEREFORE EACH OF THE SUPERVISORS FROM 1974 THROUGH TO 1980 WERE TRUSTEES.

105. ON MY INFORMATION AND BELIEF LAWYERS APPT. EX OFFICIO TRUSTEES WERE: CLYDE SMALL 1972-1974 THEN APPT. JUDGE; LAURENCE CARR 1972 -1979 RESIGNED; ROBERT SRITE 1972-1976 (DECEASED) TODD FINEBERG 1976-1982;

DEFENDANT JUDGES, SUPERVISORS, EX OFFICIO LAWYER TRUSTEES' ACTS WERE DISCRETIONARY, WILFULL, ARBITRARY AND MALICIOUS, AND THEY SHOULD NOT HAVE JUDICIAL NOR QUALIFIED IMMUNITIES.[106]

DEFENDANT LAWYERS NAMED WHO MAY HAVE ATTENDED TRUSTEES MEETINGS, OR OTHERWISE AT OTHER TIMES VOICED THEIR APPROVAL OF THE RULE, AND THEREBY DENIED ME EQUAL PROTECTION OF LAW, AND ENTERED THE CONSPIRACY THEREBY SHOULD NOT BE DISMISSED.[107]

MY LETTER OF CLAIM AND COMPLAINT PRESENTED TO THE SUPERVISORS MEETING AND THEREAFTER REJECTED BY THEM AND MADE A PART OF MY COMPLAINT AS THOUGH FULLY SET OUT THEREIN[108] STATES A CLAIM AGAINST THE SHASTA COUNTY AS DEFENDANTS.[109]

106. DENNIS V SPARKS, (1980, WOOD V STRICKLAND, (1975), SCHEUER V RHODES, (1974) supra
107. DENNIS V SPARKS, WOOD V STRICKLAND, SCHEURER V RHODES, SUPRA,
108. 879-73MLA 2nd AMENDED COMPLAINT ATTACHMENTS EX.REC.VOL 1;11, 18-30.
109. OWEN V CITY OF INDEPENDENCE, MISSOURI 445 US 622; MONNEL V NEW YORK CITY DEPT SOC. SERV; 436 US 658